

EVICTIION NOTICE REQUIREMENTS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses the handling of companion animals impacted by eviction.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ imposes requirements in relation to a companion animal on the premises when enforcing an order of restitution;
- ▶ places a cap on fees charged for keeping a companion animal taken from the premises when enforcing an order of restitution; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-812, as last amended by Laws of Utah 2019, Chapter 136

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-6-812** is amended to read:



28 **78B-6-812. Order of restitution -- Service -- Enforcement -- Disposition of**
29 **personal property -- Hearing.**

30 (1) An order of restitution shall:

31 (a) direct the defendant to vacate the premises, remove the defendant's personal
32 property, and restore possession of the premises to the plaintiff, or be forcibly removed by a
33 sheriff or constable;

34 (b) advise the defendant of the time limit set by the court for the defendant to vacate
35 the premises, which shall be three calendar days following service of the order, unless the court
36 determines that a longer or shorter period is appropriate after a finding of extenuating
37 circumstances; and

38 (c) advise the defendant of the defendant's right to a hearing to contest the manner of
39 its enforcement.

40 (2) (a) A copy of the order of restitution and a form for the defendant to request a
41 hearing as listed on the form shall be served in accordance with Section 78B-6-805 by a person
42 authorized to serve process pursuant to Subsection 78B-8-302(2).

43 (b) A request for hearing or other pleading filed by the defendant may not stay
44 enforcement of the restitution order unless:

45 (i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property
46 bond to the clerk of the court in an amount approved by the court according to Subsection
47 78B-6-808(4)(b); and

48 (ii) the court orders that the restitution order be stayed.

49 (c) The date of service, the name, title, signature, and telephone number of the person
50 serving the order and the form shall be legibly endorsed on the copy of the order and the form
51 served on the defendant.

52 (d) The person serving the order and the form shall file proof of service in accordance
53 with Rule 4(e), Utah Rules of Civil Procedure.

54 (3) (a) If the defendant fails to comply with the order within the time prescribed by the
55 court, a sheriff or constable at the plaintiff's direction may enter the premises by force using the
56 least destructive means possible to remove the defendant.

57 (b) (i) Personal property remaining in the leased property may be removed from the
58 premises by the sheriff or constable and transported to a suitable location for safe storage.

59 (ii) The sheriff or constable may delegate responsibility for inventory, moving, and
60 storage to the plaintiff, who shall store the personal property in a suitable place and in a
61 reasonable manner.

62 (c) A tenant may not access the property until the removal and storage costs have been
63 paid in full, except that the tenant shall be provided reasonable access within five business days
64 to retrieve:

65 (i) clothing;

66 (ii) identification;

67 (iii) financial documents, including all those related to the tenant's immigration status
68 or employment status;

69 (iv) documents pertaining to receipt of public services; and

70 (v) medical information, prescription medications, and any medical equipment required
71 for maintenance of medical needs.

72 (d) The personal property removed and stored is considered abandoned property and
73 subject to Section [78B-6-816](#).

74 (4) (a) As used in this Subsection (4): "Companion animal" means a domestic dog, cat,
75 rabbit, bird, or other animal that is kept solely as a pet and is not a production animal.

76 (b) (i) "Production animal" means a live, nonhuman vertebrate member of the
77 biological kingdom Animalia used for the purpose of producing, or being sold to another for
78 the purpose of producing, food, fiber, or another commercial product.

79 (ii) "Production animal" includes:

80 (A) cattle;

81 (B) sheep;

82 (C) goats;

83 (D) swine;

84 (E) poultry;

85 (F) ratites;

86 (G) equines;

87 (H) domestic cervidae;

88 (I) cameliadae;

89 (J) a guard dog;

90 (K) a stock dog;
91 (L) a livestock guardian dog; and
92 (M) a fur bearing animal kept for the purpose of commercial fur production.
93 (c) If a companion animal is on the premises, the sheriff or constable executing the
94 order of restitution shall give the companion animal to the tenant, if the tenant is present.
95 (d) If the tenant is not present when the order of restitution is enforced:
96 (i) the sheriff or constable shall notify the local animal control authority to take custody
97 of the companion animal;
98 (ii) the landlord shall provide the animal control authority with the name and last
99 known contact information of the tenant;
100 (iii) the landlord shall post a notice at the premises in a visible place with the name and
101 contact information of the animal control authority or organization where the companion
102 animal is taken; and
103 (iv) if requested by the tenant, the landlord shall provide the name and contact
104 information of the animal control authority or organization where the companion animal is
105 taken.
106 (e) (i) The animal control authority or organization holding the companion animal may
107 charge the companion animal's owner a one-time fee up to \$25 per companion animal, plus an
108 additional charge of up to \$10 per day per companion animal.
109 (ii) Subsection (4)(e)(i) only applies to a companion animal in custody as a result of
110 eviction.
111 (iii) Charges for medical services are in addition to the fees described in Subsection
112 (4)(e)(i).
113 ~~[(4)]~~ (5) (a) In the event of a dispute concerning the manner of enforcement of the
114 restitution order, the defendant may file a request for a hearing.
115 (b) The court shall:
116 (i) set the matter for hearing:
117 (A) within 10 calendar days [from the filing of the request,] after the day on which the
118 defendant files the request for a hearing; or
119 (B) [or] as soon [thereafter] as practicable, if the court is unable to set the matter
120 within the time described in Subsection (5)(b)(i)(A); and

121 (ii) [~~shall mail~~] provide notice of the hearing to the parties.

122 [~~(5)~~] (6) The Judicial Council shall draft the forms necessary to implement this section.

123 Section 2. **Effective date.**

124 This bill takes effect on May 1, 2024.